THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 23859 OF 2007

Dated 14th November, 2007

Between:

Syed Sultan Mahmood …Petitioner

And

The Kurnool Municipal Corporation …Respondent

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THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 23859 OF 2007

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The brother of the petitioner earlier filed a writ petition being W.P.No.2355 of 2004 against a notice demanding house tax. This Court in that writ petition quashed the notice on the ground that the notice showed non-application of mind. The notice impugned in this writ petition also suffers from the same vices. This Court had directed in W.P.No.2355 of 2004 that fresh notice be issued to the petitioner in accordance with law and the amounts paid by the petitioner by virtue of the interim order should be adjusted against the demands. Now the impugned notice has been sent claiming arrears of Rs.30,887/- and penalty of Rs.11,979/- without giving the particulars and details of the tax due and tax paid. This notice is also unreasonable on account that the petitioner was asked to pay the amount within three hours from the receipt of the notice, failing which the property would be attached.

For the foregoing reasons, we allow the writ petition, set aside the notice impugned and permit the respondent to issue a fresh notice keeping in view this order and also the order of this Court dated 10-08-2004 passed in Writ Petition No.2355 of 2004 and if there are any

arrears to be paid, a reasonable time be given for its payment. No order as to costs.

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Bilal Nazki, ACJ

Dated 14th November, 2007

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Ramesh Ranganathan,J

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